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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/784,420	02/23/2004	Patrick Y. Delcfevre	NOBS-102	2567				
7590 Robert K. Tendler 65 Atlantic Avenue Boston, MA 02110		05/30/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">DESIRE, GREGORY M</td></tr></table>		EXAMINER		DESIRE, GREGORY M	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/784,420

Applicant(s)

DELEFEVRE, PATRICK Y.

Examiner

Gregory M. Desire

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/23/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Hess et al (7,007,076).

Regarding claim 1,

Generating a number of hypothetical vision parameters (col. 2 lines 24-25, examiner interprets the harvesting of images as generating of hypothetical vision parameters); and,

Selecting which vision parameters are to be used in the fingerprint (fingerprint is described in the specification page 10 lines 11-12 as a specific request for information and has within it specific information note col. 2 lines 30-35, examiner interprets the query as fingerprint images examiner interprets as vision parameter are used to satisfy the query)

Regarding claim 2,

Wherein the selected hypothetical vision parameters are cascaded in accordance with the selection (note fig. 9a and 9b, 5 shows images cascaded in accordance with the selection).

Regarding claim 3,

Wherein each of the hypothetical vision parameters has an associated number (note fig. 9a and 9b, each image has a price and time associated with it, which are numbers), and further including the step of combining the numbers associated with the selected hypothetical vision parameters to form the fingerprint (note fig. 9a and 9b, note the thumbnail image is combined with master plan parameters, i.e. price and time which form the fingerprint).

Regarding claim 9,

A virtual consultant hypothetical vision parameter and further including the step of exiting the virtual consultant by selecting the hypothetical vision parameter corresponding to the virtual consultant (note Hess, fig. 9a, help or Chat).

Regarding claim 10,

Wherein a hypothetical vision parameter includes therein a number of hypothetical vision parameters, and further including the step of zooming in on one of the number of hypothetical vision parameters to display the zoomed-to hypothetical vision parameter (note col. 8 lines 25-32).

Regarding claim 11,

Wherein a hypothetical vision parameter defines a category having a number of hypothetical vision parameters and by zooming thereon a number of the hypothetical vision parameters in the category are presented (note Hess col. 10 lines 1-5).

Regarding claim 12,

An entrant generating its particular fingerprint to which the targeted fingerprint is to be matched by generating the entrant's own hypothetical vision parameter (note col. 4 lines 20-35 and col. 6 lines 30-36).

Regarding claim 13,

Wherein the entrant's hypothetical vision parameters include the step of presenting the entrant's hypothetical vision parameter on a touch screen (note col. 6 lines 30-36).

3. Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by Hoyos et al (US 2002/0118096).

A touch screen (note fig. 6, block 606 and fig. 7, block 710) for displaying hypothetical vision parameter (intended use MPEP 2114).

A fingerprint generator (note fig. 6, block 624 and fig. 7 block 718) for generating a fingerprint based on sequential touch screen selected hypothetical vision parameters

whereby the system can be used by those not familiar with any given language  
(intended use MPEP 2114).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al in view of Burkley et al (7,149,741).

Regarding claims 4 and 16 Hess discloses,

Performing a search from a computer system. Hess does not clearly disclose providing the hypothetical vision parameters on a touch screen, the selection of a hypothetical vision parameter being accomplished by touching the portion of the touch screen at which the hypothetical vision parameter to be selected is situated. Burkley discloses a computer system that is personal mobile wireless system, which includes a touch screen (note col. 48 lines 3-7 and 33-40). Hess and Burkley are combinable because they are from the same field of endeavor. The suggestion/motivation for doing so would have been providing handheld personal computer to update an owner (note col. 48 lines 23-26).

Regarding claim 5,

Maintaining selected hypothetical vision parameters in one region of the screen (note Hess, fig. 9a, block 5).

Regarding claim 6,

Permitting return to a preselected hypothetical vision parameter by touching a hypothetical vision parameter maintained on the touch screen (note Hess fig. 9b, arrows).

Regarding claim 7,

Wherein hypothetical vision parameters maintained on the touch screen are cascaded in the original selection order (note Hess, fig. 9a and 9b).

Regarding claim 8,

Wherein selection of a hypothetical vision parameter maintained on the touch screen permits going to a predetermined place in the cascade (note Hess, fig. 9a and 9b).

6. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al in view of Hoffberg et al (6,519,564).

Regarding claims 14 and 15 Hess discloses,

Selecting vision parameters are to be used in the search. Hess does not clearly disclose generating audio-based hypothetical parameters. Hoffberg discloses generating audio-based hypothetical parameters (note fig. 2 blocks 212 and 213). Hess and Hoffberg are combinable because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include audio-based hypothetical parameter in the system of Hess as evidenced by Hoffberg. The suggestion/motivation for doing so would have been categorizing audio based contents (note col. 1 lines 28-31. Therefore, it would have been obvious to combine Hess with Hoffberg to obtain the invention as specified in claims 14 and 15.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (571) 272-7449. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

G.D.  
May 25, 2007

A handwritten signature in black ink, appearing to read "Gregory Desire".

GREGORY DESIRE  
PRIMARY EXAMINER